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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION
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20 DEBORAH J. THOMAS

21 Plaintiff,

22 vs.

23 THE WALT DISNEY COMPANY,
24 WALT DISNEY STUDIOS, DISNEY
25 PRESS, PIXAR ANIMATION
26 STUDIOS, WALT DISNEY FEATURE
27 ANIMATION, WALT DISNEY
28 PICTURES, DISNEY ENTERPRISES,
INC. and DOES 1 through 100,
Inclusive,

Defendants.
/

No. CV 07-04392 CW

**DECLARATION OF DEBORAH J.
THOMAS IN SUPPORT OF
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

Date: November 1, 2007
Time: 2:00 p.m.
Judge: Hon. Claudia Wilken
Courtroom: #2, 4th Floor

I, Deborah J. Thomas, declare as follows:

1. I first became aware of the movie, "Finding Nemo," after its general release on May 30, 2003.

2. I first saw the movie, "Finding Nemo," on June 6, 2003. Upon viewing the movie, I realized for the first time that Disney had copied my story, "Squisher the Fish," and had

1 incorporated my story into its movie, "Finding Nemo." Prior to viewing the movie, I had no
2 knowledge that it copied and had incorporated my story.

3 3. Before they came to my attention in connection with Defendants' motion to dismiss, I
4 had not read or seen any of the news articles referred to in the Declaration of Andrea Pallios
5 Roberts in Support of Defendants' Motion to Dismiss.

6 4. I did not attend the Hollywood pre-release showing of "Finding Nemo" and was not
7 aware there had been such a showing before reading about it in connection with Defendants'
8 Motion to Dismiss.

9 5. Before May 30, 2003, I had not seen the Pixar website and was not aware of the
10 existence of any video games based on my story, "Squisher the Fish."

11 6. On or about April 27, 2004, I applied to the Register of Copyrights for a Certificate of
12 Registration for my story, "Squisher the Fish." The Certificate was issued by the Register of
13 Copyrights on April 27, 2004, and bears registration number TXu1-175-008. A true and correct
14 copy of this Certificate is attached hereto as Exhibit A.

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my
16 knowledge and belief. Executed on October 11, 2007 in Gainesville, Florida.

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19 DEBORAH J. THOMAS

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EXHIBIT "A"

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America



Short Form TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TXu 1-175-008



Effective Date of Registration

4-27-04

Application Received

APR 27 2004

Deposit Received

APR 27 2004 Two

Fee Received

Examined By

W

Correspondence

TYPE OR PRINT IN BLACK INK. DO NOT WRITE ABOVE THIS LINE.

Title of This Work:	1	"Squisher the Fish"
Alternative title or title of larger work in which this work was published:		
Name and Address of Author and Owner of the Copyright:	2	Deborah Thomas 514 4th Street Port St Joe, Florida 32456 Phone (850) 227-1763 Fax () Email apalach500@hotmail.com
Nationality or dramatic: Phone, fax, and email.		
Year of Creation.	3	2000
If work has been published, Date and Nation of Publication.	4	a. Date _____ (Month, day and year all required) b. Nation _____
Type of Authorship in This Work:	5	<input checked="" type="checkbox"/> Text (includes fiction, nonfiction, poetry, computer programs, etc.) <input type="checkbox"/> Illustrations <input type="checkbox"/> Photographs <input type="checkbox"/> Compilation of terms or data
Check all that this author created.		
Signature:	6	I certify that the statements made by me on this application are correct to the best of my knowledge.* Check one: <input checked="" type="checkbox"/> Author <input type="checkbox"/> Authorized agent X <i>Deborah Thomas</i>
Registration cannot be completed without a signature.		
OPTIONAL Name and Address of Person to Contact for Rights and Permissions. Phone, fax, and email.	7	<input type="checkbox"/> Check here if same as #2 above Phone () Fax () Email

8

Certificate will be mailed to addressee to this address:

Name	Deborah Thomas
Address	514 4th Street
City/State/Zip	Port St Joe, FL 32456

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Deposit Account # _____
Name _____

*F.U.S.C. § 1005(c). Any person who knowingly makes a false representation of a material fact in this application for copyright registration provided for by section 105, or in any written statement filed in connection with this application, shall be fined not more than \$2,000.

Form August 2003—08,528 With Prior August 2003 © Printed on recycled paper

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